

100TH CONGRESS
1ST SESSION

H. R. 3058

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, AUGUST 5), 1987

Received; read twice and referred to the Committee on Appropriations

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1988, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the Depart-
5 ments of Labor, Health and Human Services, and Education,
6 and related agencies for the fiscal year ending September 30,
7 1988, and for other purposes, namely:

1 **TITLE I—DEPARTMENT OF LABOR**

2 **EMPLOYMENT AND TRAINING ADMINISTRATION**

3 **PROGRAM ADMINISTRATION**

4 For expenses of administering employment and training
5 programs, \$73,896,000 together with not to exceed
6 \$46,425,000 which may be expended from the Employment
7 Security Administration account in the Unemployment Trust
8 Fund.

9 **TRAINING AND EMPLOYMENT SERVICES**

10 For expenses necessary to carry into effect the Job
11 Training Partnership Act, including the purchase and hire of
12 passenger motor vehicles, \$3,511,185,000 plus reimburse-
13 ments, to be available for obligation for the period July 1,
14 1988, through June 30, 1989, of which \$62,370,000 shall be
15 for carrying out section 401, \$70,480,000 shall be for carry-
16 ing out section 402, \$10,409,000 shall be for carrying out
17 section 441, \$2,000,000 shall be for the National Commis-
18 sion for Employment Policy, \$3,000,000 shall be for all ac-
19 tivities conducted by and through the National Occupational
20 Information Coordinating Committee under the Job Training
21 Partnership Act, and \$8,000,000 shall be for service delivery
22 areas under section 101(a)(4)(A)(iii) of the Job Training Part-
23 nership Act in addition to amounts otherwise provided under
24 sections 202 and 251(b) of the Act: *Provided*, That no funds
25 from any other appropriation shall be used to provide meal
26 services at or for Job Corps centers.

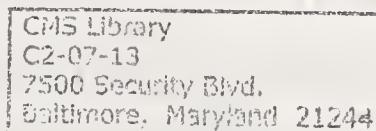
1 For necessary expenses of construction, rehabilitation,
2 and acquisition of Job Corps centers as authorized by the Job
3 Training Partnership Act, \$128,500,000, to be available for
4 obligation for the period July 1, 1988 through June 30,
5 1991.

6 For activities authorized by sections 236, 237, and 238
7 of the Trade Act of 1974, as amended, including necessary
8 related administrative expenses, \$50,000,000.

9 For activities authorized by title VII, subtitle C of the
10 Stewart B. McKinney Homeless Assistance Act,
11 \$8,000,000.

12 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

13 For payments during the current fiscal year of benefits
14 and payments as authorized by title II of Public Law 95-
15 250, as amended, and of trade adjustment benefit payments
16 and allowances, as provided by law (part I, subchapter B,
17 chapter 2, title II of the Trade Act of 1974, as amended),
18 \$141,000,000, together with such amounts as may be neces-
19 sary to be charged to the subsequent appropriation for pay-
20 ments for any period subsequent to September 15 of the cur-
21 rent year: *Provided*, That amounts received or recovered
22 pursuant to section 208(e) of Public Law 95-250 shall be
23 available for payments.



1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

2 SERVICE OPERATIONS

3 For activities authorized by the Act of June 6, 1933, as
4 amended (29 U.S.C. 49–49l–1; 39 U.S.C. 3202(a)(1)(E));
5 title III of the Social Security Act, as amended (42 U.S.C.
6 502–504); necessary administrative expenses for carrying out
7 5 U.S.C. 8501–8523, and sections 231–235 and 243–244,
8 title II of the Trade Act of 1974, as amended; as authorized
9 by section 7c of the Act of June 6, 1933, as amended, neces-
10 sary administrative expenses under sections 101(a)(15)(H)(ii),
11 212(a)(14), and 216(g)(1)(2)(3) of the Immigration and Na-
12 tionality Act, as amended (8 U.S.C. 1101 et seq.); and neces-
13 sary administrative expenses to carry out the Targeted Jobs
14 Tax Credit program under section 51 of the Internal Reve-
15 nue Code of 1986, \$23,400,000, together with not to exceed
16 \$2,536,012,000 which may be expended from the Employ-
17 ment Security Administration account in the Unemployment
18 Trust Fund, and of which the sums available in the basic
19 allocation for activities authorized by title III of the Social
20 Security Act, as amended (42 U.S.C. 502–504), and the
21 sums available in the basic allocation for necessary adminis-
22 trative expenses for carrying out 5 U.S.C. 8501–8523, shall
23 be available for obligation by the States through Decem-
24 ber 31, 1988, and of which \$22,700,000 together with not to
25 exceed \$732,500,000 of the amount which may be expended
26 from said trust fund shall be available for obligation for the

1 period July 1, 1988, through June 30, 1989, to fund activi-
2 ties under section 6 of the Act of June 6, 1933, as amended,
3 including the cost of penalty mail made available to States in
4 lieu of allotments for such purpose and of which
5 \$182,866,000 (including not to exceed \$4,600,000 which
6 may be used for amortization payments to States which had
7 independent retirement plans in their State employment serv-
8 ice agencies prior to 1980) shall be available only to the
9 extent necessary to administer unemployment compensation
10 laws to meet increased costs of administration resulting from
11 changes in a State law or increases in the number of unem-
12 ployment insurance claims filed and claims paid or increased
13 salary costs resulting from changes in State salary compensa-
14 tion plans embracing employees of the State generally over
15 those upon which the State's basic allocation was based,
16 which cannot be provided for by normal budgetary adjust-
17 ments based on State obligations as of December 31, 1988.

18 **ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND**

19 **OTHER FUNDS**

20 For repayable advances to the Unemployment Trust
21 Fund as authorized by sections 905(d) and 1203 of the Social
22 Security Act, as amended, and to the Black Lung Disability
23 Trust Fund as authorized by section 9501(c)(1) of the Inter-
24 nal Revenue Code of 1954, as amended; and for nonrepay-
25 able advances to the Unemployment Trust Fund as authorized
26 by section 8509 of title 5, United States Code, and to the

1 "Federal unemployment benefits and allowances" account, to
2 remain available until September 30, 1989; \$30,000,000.

3 **LABOR-MANAGEMENT SERVICES**

4 **SALARIES AND EXPENSES**

5 For necessary expenses for Labor-Management Serv-
6 ices, \$81,192,000, of which \$13,600,000 for a pension plan
7 data base shall remain available until September 30, 1989.

8 **PENSION BENEFIT GUARANTY CORPORATION**

9 **PENSION BENEFIT GUARANTY CORPORATION FUND**

10 The Pension Benefit Guaranty Corporation is author-
11 ized to make such expenditures, including financial assistance
12 authorized by section 104 of Public Law 96-364, within
13 limits of funds and borrowing authority available to such Cor-
14 poration, and in accord with law, and to make such contracts
15 and commitments without regard to fiscal year limitations as
16 provided by section 104 of the Government Corporation Con-
17 trol Act, as amended (31 U.S.C. 9104), as may be necessary
18 in carrying out the program through September 30, 1988, for
19 such Corporation: *Provided*, That not to exceed \$40,034,000
20 shall be available for administrative expenses of the
21 Corporation.

22 **EMPLOYMENT STANDARDS ADMINISTRATION**

23 **SALARIES AND EXPENSES**

24 For necessary expenses for the Employment Standards
25 Administration, including reimbursement to State, Federal,

1 and local agencies and their employees for inspection services
2 rendered, \$217,085,000, of which not to exceed \$8,000,000
3 shall be available for obligation through September 30, 1989,
4 for acquisition of computer equipment and software for the
5 Federal Employees' Compensation Program's ADP system,
6 together with \$488,000 which may be expended from the
7 Special Fund in accordance with sections 39(c) and 44(j) of
8 the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

10 (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$257,177,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the

1 Postal Service fund to this appropriation such sums as the
2 Secretary of Labor determines to be the cost of administra-
3 tion for Postal Service employees through September 30,
4 1988.

5 **BLACK LUNG DISABILITY TRUST FUND**
6 (**INCLUDING TRANSFER OF FUNDS**)

7 For payments from the Black Lung Disability Trust
8 Fund, \$646,842,000, of which \$594,522,000 shall be avail-
9 able until September 30, 1989, for payment of all benefits as
10 authorized by section 9501(d) (1), (2), and (7) of the Internal
11 Revenue Code of 1954, as amended, and of which
12 \$28,293,000 shall be available for transfer to Employment
13 Standards Administration, Salaries and Expenses, and
14 \$23,521,000 for transfer to Departmental Management, Sal-
15 aries and Expenses, and \$506,000 for transfer to Depart-
16 mental Management, Office of Inspector General, for ex-
17 penses of operation and administration of the Black Lung
18 Benefits program as authorized by section 9501(d)(5)(A) of
19 that Act: *Provided*, That in addition, such amounts as may be
20 necessary may be charged to the subsequent year appropria-
21 tion for the payment of compensation or other benefits for
22 any period subsequent to June 15 of the current year: *Pro-*
23 *vided further*, That in addition, there are hereby appropriated
24 such amounts as may be necessary to repay advances from
25 the Treasury that are not needed to make disbursements
26 during the current fiscal year, as authorized by section

1 9501(d)(4) of that Act: *Provided further*, That in addition,
2 such amounts shall be paid from this fund into miscellaneous
3 receipts as the Secretary of the Treasury determines to be
4 the administrative expenses of the Department of the Treas-
5 ury for administering the fund during the current fiscal year,
6 as authorized by section 9501(d)(5)(B) of that Act.

7 **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**
8 **SALARIES AND EXPENSES**

9 For necessary expenses for the Occupational Safety and
10 Health Administration, \$244,001,000, including not to
11 exceed \$42,327,000, which shall be the maximum amount
12 available for grants to States under section 23(g) of the Occu-
13 pational Safety and Health Act, which grants shall be no less
14 than fifty percent of the costs of State occupational safety
15 and health programs required to be incurred under plans ap-
16 proved by the Secretary under section 18 of the Occupational
17 Safety and Health Act of 1970: *Provided*, That none of the
18 funds appropriated under this paragraph shall be obligated or
19 expended for the assessment of civil penalties issued for first
20 instance violations of any standard, rule, or regulation pro-
21 mulgated under the Occupational Safety and Health Act of
22 1970 (other than serious, willful, or repeated violations under
23 section 17 of the Act) resulting from the inspection of any
24 establishment or workplace subject to the Act, unless such
25 establishment or workplace is cited, on the basis of such in-

1 spection, for ten or more violations: *Provided further*, That
2 none of the funds appropriated under this paragraph shall be
3 obligated or expended to prescribe, issue, administer, or en-
4 force any standard, rule, regulation, or order under the Occu-
5 pational Safety and Health Act of 1970 which is applicable
6 to any person who is engaged in a farming operation which
7 does not maintain a temporary labor camp and employs ten
8 or fewer employees: *Provided further*, That none of the funds
9 appropriated under this paragraph shall be obligated or ex-
10 pended to prescribe, issue, administer, or enforce any stand-
11 ard, rule, regulation, order or administrative action under the
12 Occupational Safety and Health Act of 1970 affecting any
13 work activity by reason of recreational hunting, shooting, or
14 fishing: *Provided further*, That no funds appropriated under
15 this paragraph shall be obligated or expended to administer
16 or enforce any standard, rule, regulation, or order under the
17 Occupational Safety and Health Act of 1970 with respect to
18 any employer of ten or fewer employees who is included
19 within a category having an occupational injury lost work
20 day case rate, at the most precise Standard Industrial Classi-
21 fication Code for which such data are published, less than the
22 national average rate as such rates are most recently pub-
23 lished by the Secretary, acting through the Bureau of Labor
24 Statistics, in accordance with section 24 of that Act (29
25 U.S.C. 673), except—

1 (1) to provide, as authorized by such Act, consul-
2 tation, technical assistance, educational and training
3 services, and to conduct surveys and studies;

4 (2) to conduct an inspection or investigation in re-
5 sponse to an employee complaint, to issue a citation for
6 violations found during such inspection, and to assess a
7 penalty for violations which are not corrected within a
8 reasonable abatement period and for any willful viola-
9 tions found;

10 (3) to take any action authorized by such Act
11 with respect to imminent dangers;

12 (4) to take any action authorized by such Act
13 with respect to health hazards;

14 (5) to take any action authorized by such Act
15 with respect to a report of an employment accident
16 which is fatal to one or more employees or which re-
17 sults in hospitalization of five or more employees, and
18 to take any action pursuant to such investigation au-
19 thorized by such Act; and

20 (6) to take any action authorized by such Act
21 with respect to complaints of discrimination against
22 employees for exercising rights under such Act:

23 *Provided further,* That the foregoing proviso shall not apply
24 to any person who is engaged in a farming operation which
25 does not maintain a temporary labor camp and employs ten

1 or fewer employees: *Provided further*, That none of the funds
2 appropriated under this paragraph shall be obligated or ex-
3 pended for the proposal or assessment of any civil penalties
4 for the violation or alleged violation by an employer of ten or
5 fewer employees of any standard, rule, regulation, or order
6 promulgated under the Occupational Safety and Health Act
7 of 1970 (other than serious, willful or repeated violations and
8 violations which pose imminent danger under section 13 of
9 the Act) if, prior to the inspection which gives rise to the
10 alleged violation, the employer cited has (1) voluntarily re-
11 quested consultation under a program operated pursuant to
12 section 7(c)(1) or section 18 of the Occupational Safety and
13 Health Act of 1970 or from a private consultative source
14 approved by the Administration and (2) had the consultant
15 examine the condition cited and (3) made or is in the process
16 of making a reasonable good faith effort to eliminate the
17 hazard created by the condition cited as such, which was
18 identified by the aforementioned consultant, unless changing
19 circumstances or workplace conditions render inapplicable
20 the advice obtained from such consultants: *Provided further*,
21 That none of the funds appropriated under this paragraph
22 may be obligated or expended for any State plan monitoring
23 visit by the Secretary of Labor under section 18 of the Occu-
24 pational Safety and Health Act of 1970, of any factory,
25 plant, establishment, construction site, or other area, work-

1 place or environment where such a workplace or environ-
2 ment has been inspected by an employee of a State acting
3 pursuant to section 18 of such Act within the six months
4 preceding such inspection: *Provided further*, That this limita-
5 tion does not prohibit the Secretary of Labor from conducting
6 such monitoring visit at the time and place of an inspection
7 by an employee of a State acting pursuant to section 18 of
8 such Act, or in order to investigate a complaint about State
9 program administration including a failure to respond to a
10 worker complaint regarding a violation of such Act, or in
11 order to investigate a discrimination complaint under section
12 11(c) of such Act, or as part of a special study monitoring
13 program, or to investigate a fatality or catastrophe: *Provided*
14 *further*, That none of the funds appropriated under this para-
15 graph may be obligated or expended for the inspection, inves-
16 tigation, or enforcement of any activity occurring on the
17 Outer Continental Shelf which exceeds the authority granted
18 to the Occupational Safety and Health Administration by any
19 provision of the Outer Continental Shelf Lands Act, or the
20 Outer Continental Shelf Lands Act Amendments of 1978.

21 **MINE SAFETY AND HEALTH ADMINISTRATION**

22 **SALARIES AND EXPENSES**

23 For necessary expenses for the Mine Safety and Health
24 Administration, \$164,874,000, including purchase and be-
25 stowal of certificates and trophies in connection with mine

1 rescue and first-aid work, and the purchase of not to exceed
2 sixty passenger motor vehicles for replacement only; the Sec-
3 retary is authorized to accept lands, buildings, equipment,
4 and other contributions from public and private sources and
5 to prosecute projects in cooperation with other agencies,
6 Federal, State, or private; the Mine Safety and Health Ad-
7 ministration is authorized to promote health and safety edu-
8 cation and training in the mining community through cooper-
9 ative programs with States, industry, and safety associations;
10 and any funds available to the Department may be used, with
11 the approval of the Secretary, to provide for the costs of mine
12 rescue and survival operations in the event of major disaster:
13 *Provided*, That none of the funds appropriated under this
14 paragraph shall be obligated or expended to carry out section
15 115 of the Federal Mine Safety and Health Act of 1977 or to
16 carry out that portion of section 104(g)(1) of such Act relat-
17 ing to the enforcement of any training requirements, with
18 respect to shell dredging, or with respect to any sand, gravel,
19 surface stone, surface clay, colloidal phosphate, or surface
20 limestone mine.

21 **BUREAU OF LABOR STATISTICS**

22 **SALARIES AND EXPENSES**

23 For necessary expenses for the Bureau of Labor Statis-
24 tics, including advances or reimbursements to State, Federal,
25 and local agencies and their employees for services rendered,

1 \$184,833,000, of which \$9,184,000 shall be for expenses of
2 revising the Consumer Price Index, together with not to
3 exceed \$43,419,000, which may be expended from the Em-
4 ployment Security Administration account in the Unemploy-
5 ment Trust Fund: *Provided*, That \$7,694,000 shall remain
6 available until September 30, 1989.

7 DEPARTMENTAL MANAGEMENT

8 SALARIES AND EXPENSES

9 For necessary expenses for Departmental Management,
10 including the hire of 5 sedans, and including \$2,434,000 for
11 the President's Committee on Employment of the Handi-
12 capped, \$120,041,000, together with not to exceed \$286,000
13 which may be expended from the Employment Security Ad-
14 ministration account in the Unemployment Trust Fund.

15 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND

16 TRAINING

17 Not to exceed \$145,826,000 may be derived from the
18 Employment Security Administration account in the Unem-
19 ployment Trust Fund to carry out the provisions of 38
20 U.S.C. 2001–08 and 2021–26.

21 OFFICE OF THE INSPECTOR GENERAL

22 For salaries and expenses of the Office of the Inspector
23 General in carrying out the provisions of the Inspector Gen-
24 eral Act of 1978, \$38,224,000, together with not to exceed
25 \$6,476,000, which may be expended from the Employment

1 Security Administration account in the Unemployment Trust
2 Fund.

3 GENERAL PROVISIONS

4 SEC. 101. Appropriations in this Act available for sala-
5 ries and expenses shall be available for supplies, services, and
6 rental of conference space within the District of Columbia, as
7 the Secretary of Labor shall deem necessary for settlement of
8 labor-management disputes.

9 SEC. 102. None of the funds appropriated under this
10 Act shall be used to grant variances, interim orders or letters
11 of clarification to employers which will allow exposure of
12 workers to chemicals or other workplace hazards in excess of
13 existing Occupational Safety and Health Administration
14 standards for the purpose of conducting experiments on
15 workers health or safety.

16 SEC. 103. None of the funds appropriated in this Act
17 shall be obligated or expended for the purpose of closing any
18 Job Corps Center operating under part B of title IV of the
19 Job Training Partnership Act prior to January 1, 1989.

20 SEC. 104. Notwithstanding any other provision of this
21 Act, no funds appropriated by this Act may be used to exe-
22 cute or carry out any contract with a non-governmental
23 entity to administer or manage a Civilian Conservation
24 Center of the Job Corps which was not under such a contract
25 as of September 1, 1984.

1 This title may be cited as the "Department of Labor
2 Appropriations Act, 1988".

5 OFFICE OF THE SECRETARY

6 PRIORITY DISEASE CONTROL AND RESEARCH (AIDS)

7 For carrying out the Public Health Service Act with
8 respect to Acquired Immune Deficiency Syndrome,
9 \$945,430,000, of which \$38,500,000 shall be for the Health
10 Resources and Services Administration, \$306,750,000 shall
11 be for the Centers for Disease Control, \$93,946,000 shall be
12 for the National Cancer Institute, \$25,839,000 shall be for
13 the National Heart, Lung and Blood Institute, \$3,310,000
14 shall be for the National Institute of Dental Research,
15 \$3,500,000 shall be for the National Institute of Diabetes,
16 Digestive, and Kidney Diseases, \$12,755,000 shall be for the
17 National Institute of Neurological and Communicative Disor-
18 ders and Stroke, \$223,323,000 shall be for the National In-
19 stitute of Allergy and Infectious Diseases, \$2,500,000 shall
20 be for the National Institute of General Medical Sciences,
21 \$9,928,000 shall be for the National Institute of Child
22 Health and Human Development, \$4,000,000 shall be for
23 the National Eye Institute, \$4,091,000 shall be for the Na-
24 tional Institute of Environmental Health Sciences, \$377,000
25 shall be for the National Institute on Aging, \$25,661,000

1 shall be for Research Resources, \$533,000 shall be for the
2 National Center for Nursing Research, \$1,200,000 shall be
3 for the John E. Fogarty International Center, \$61,465,000
4 shall be for the Office of the Director, \$101,252,000 shall be
5 for the Alcohol, Drug Abuse and Mental Health Administra-
6 tion, \$1,500,000 shall be for the Office of Minority Health,
7 and \$25,000,000 shall be for the Office of the Secretary:
8 *Provided*, That of the amounts appropriated under this head-
9 ing, \$40,000,000 shall remain available until expended, in-
10 cluding \$10,000,000 for section 1610(b): *Provided further*,
11 That amounts appropriated herein may be transferred be-
12 tween the institutes and agencies named herein upon the ap-
13 proval by the House and Senate Committees on Appropriations
14 of a reprogramming request submitted by the Secretary
15 of Health and Human Services.

16 **HEALTH RESOURCES AND SERVICES ADMINISTRATION**

17 **HEALTH RESOURCES AND SERVICES**

18 For carrying out titles III, VI, VII, VIII, XVI and
19 XXIII of the Public Health Service Act, section 427(a) of
20 the Federal Coal Mine Health and Safety Act, title V of the
21 Social Security Act, and the Stewart B. McKinney Homeless
22 Assistance Act, \$1,343,476,000 of which not to exceed
23 \$750,000 to remain available until expended, shall be avail-
24 able for renovating the Gillis W. Long Hansen's Disease
25 Center, 42 U.S.C. 247e, and of which \$100,000 shall remain

1 available until expended for interest subsidies on loan guaran-
2 tees made prior to fiscal year 1981 under part B of title VII
3 of the Public Health Service Act: *Provided*, That when the
4 Department of Health and Human Services administers or
5 operates an employee health program for any Federal depart-
6 ment or agency, payment for the full estimated cost shall be
7 made by way of reimbursement or in advances to this appro-
8 priation.

9 **MEDICAL FACILITIES GUARANTEE AND LOAN FUND**

10 **FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES**

11 For carrying out subsections (d) and (e) of section 1602
12 of the Public Health Service Act, \$22,000,000, together
13 with any amounts received by the Secretary in connection
14 with loans and loan guarantees under title VI of the Public
15 Health Service Act, to be available without fiscal year limita-
16 tion for the payment of interest subsidies. During the fiscal
17 year, no commitments for direct loans or loan guarantees
18 shall be made.

19 **CENTERS FOR DISEASE CONTROL**

20 **DISEASE CONTROL, RESEARCH, AND TRAINING**

21 To carry out title III and section 1102 of the Public
22 Health Service Act, sections 101, 102, 103, 201, 202, and
23 203 of the Federal Mine Safety and Health Act of 1977, and
24 sections 20, 21, and 22 of the Occupational Safety and
25 Health Act of 1970; including insurance of official motor ve-
26 hicles in foreign countries; and hire, maintenance, and oper-

1 action of aircraft, \$221,977,000, of which \$2,000,000 shall
2 remain available until expended for equipment and construc-
3 tion and renovation of facilities: *Provided*, That training shall
4 be made subject to reimbursement or advances to this appro-
5 priation for not in excess of the full cost of such training:
6 *Provided further*, That funds appropriated under this heading
7 shall be available for payment of the costs of medical care,
8 related expenses, and burial expenses hereafter incurred by
9 or on behalf of any person who had participated in the study
10 of untreated syphilis initiated in Tuskegee, Alabama, in
11 1932, in such amounts and subject to such terms and condi-
12 tions as prescribed by the Secretary of Health and Human
13 Services and for payment, in such amounts and subject to
14 such terms and conditions, of such costs and expenses hereaf-
15 ter incurred by or on behalf of such person's wife or offspring
16 determined by the Secretary to have suffered injury or dis-
17 ease from syphilis contracted from such person: *Provided fur-*
18 *ther*, That collections from user fees, including collections
19 from training and reimbursements and advances for the full
20 cost of proficiency testing of private clinical laboratories, may
21 be credited to this appropriation.

22 **NATIONAL INSTITUTES OF HEALTH**

23 **NATIONAL CANCER INSTITUTE**

24 For carrying out section 301 and title IV of the Public
25 Health Service Act with respect to cancer, \$1,448,411,000.

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

2 For carrying out section 301, title IV, and section 1105
3 of the Public Health Service Act with respect to cardiovascu-
4 lar, lung, and blood diseases, and blood and blood products,
5 \$990,808,000.

6 NATIONAL INSTITUTE OF DENTAL RESEARCH

7 For carrying out section 301 and title IV of the Public
8 Health Service Act with respect to dental diseases,
9 \$128,965,000.

10 NATIONAL INSTITUTE OF DIABETES, AND DIGESTIVE AND

11 KIDNEY DISEASES

12 For carrying out section 301 and title IV of the Public
13 Health Service Act with respect to diabetes and digestive
14 and kidney diseases, \$563,768,000.

15 NATIONAL INSTITUTE OF NEUROLOGICAL AND

16 COMMUNICATIVE DISORDERS AND STROKE

17 For carrying out section 301 and title IV of the Public
18 Health Service Act with respect to neurological and commu-
19 nicative disorders and stroke, \$554,039,000.

20 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

21 DISEASES

22 For carrying out section 301 and title IV of the Public
23 Health Service Act with respect to allergy and infectious dis-
24 eases, \$439,667,000.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES
2 For carrying out section 301 and title IV of the Public
3 Health Service Act with respect to general medical sciences,
4 \$666,037,000.

5 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
6 DEVELOPMENT

7 For carrying out section 301 and title IV of the Public
8 Health Service Act with respect to child health and human
9 development, \$405,673,000.

10 NATIONAL EYE INSTITUTE

11 For carrying out section 301 and title IV of the Public
12 Health Service Act with respect to eye diseases and visual
13 disorders, \$234,382,000.

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
15 SCIENCES

16 For carrying out sections 301 and 311, and title IV of
17 the Public Health Service Act with respect to environmental
18 health sciences, \$225,724,000.

19 NATIONAL INSTITUTE ON AGING

20 For carrying out section 301 and title IV of the Public
21 Health Service Act with respect to aging, \$203,034,000.

22 NATIONAL INSTITUTE OF ARTHRITIS AND
23 MUSCULOSKELETAL AND SKIN DISEASES

24 For carrying out section 301 and title IV of the Public
25 Health Service Act with respect to arthritis, and musculo-
26 skeletal and skin diseases, \$154,632,000.

1 RESEARCH RESOURCES

2 For carrying out section 301 and title IV of the Public
3 Health Service Act with respect to research resources and
4 general research support grants, \$338,991,000: *Provided*,
5 That none of these funds, with the exception of funds for the
6 Minority Biomedical Research Support program, shall be
7 used to pay recipients of the general research support grants
8 program any amount for indirect expenses in connection with
9 such grants.

10 NATIONAL CENTER FOR NURSING RESEARCH

11 For carrying out section 301 and title IV of the Public
12 Health Service Act with respect to nursing research,
13 \$24,744,000.

14 JOHN E. FOGARTY INTERNATIONAL CENTER

15 For carrying out the activities at the John E. Fogarty
16 International Center, \$12,128,000 of which \$1,934,000 shall
17 be available for payment to the Gorgas Memorial Institute
18 for maintenance and operation of the Gorgas Memorial
19 Laboratory.

20 NATIONAL LIBRARY OF MEDICINE

21 For carrying out section 301 and title IV of the Public
22 Health Service Act with respect to health information com-
23 munications, \$71,465,000.

24 OFFICE OF THE DIRECTOR

25 For carrying out the responsibilities of the Office of the
26 Director, National Institutes of Health, \$71,389,000, includ-

1 ing purchase of not to exceed six passenger motor vehicles
2 for replacement only.

3 **BUILDINGS AND FACILITIES**

4 For construction of, and acquisition of sites and equip-
5 ment for, facilities of or used by the National Institutes of
6 Health, \$30,000,000, to remain available until expended.

7 **ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH**

8 **ADMINISTRATION**

9 **ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH**

10 For carrying out the Public Health Service Act with
11 respect to mental health, drug abuse, alcohol abuse, and alco-
12 holism and the Protection and Advocacy for Mentally Ill In-
13 dividuals Act of 1986, \$401,782,000, of which \$200,000 for
14 renovation of government owned or leased intramural re-
15 search facilities shall remain available until expended.

16 **FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL**
17 **(INCLUDING TRANSFER OF FUNDS)**

18 To carry out the Saint Elizabeths Hospital and District
19 of Columbia Mental Health Services Act, \$65,587,000, to-
20 gether with any unobligated balances from "Saint Elizabeths
21 Hospital, Construction and Renovation" (except those bal-
22 ances determined by the Secretary of Health and Human
23 Services to be necessary to carry out existing Federal ren-
24 ovation contracts), all of which shall be available in fiscal
25 year 1988 for payments to the District of Columbia as au-
26 thorized by sections 2, 4, and 9 of the Act; and in addition,

1 \$2,725,000 which shall be available through September 30,
2 1989 for Federal activities authorized by sections 6 and 9 of
3 the Act: *Provided*, That funds appropriated under this head-
4 ing may be used for multi-year contracts with the District of
5 Columbia for maintenance of Saint Elizabeths Hospital: *Pro-*
6 *vided further*, That any amounts determined by the Secretary
7 of Health and Human Services to be in excess of the amounts
8 requested and estimated to be necessary to carry out sections
9 6 and 9(f)(2) of the Act shall be returned to the Treasury.

10 In fiscal year 1988 the maximum amount available to
11 Saint Elizabeths Hospital from Federal sources shall not
12 exceed the total of the following amounts: the appropriations
13 made under this heading, amounts billed to Federal agencies
14 and entities by the District of Columbia for services provided
15 at Saint Elizabeths Hospital, and amounts authorized by
16 titles XVIII and XIX of the Social Security Act. This maxi-
17 mum amount shall not include Federal funds appropriated to
18 the District of Columbia under "Federal Payment to the Dis-
19 trict of Columbia" and payments made pursuant to section
20 9(c) of Public Law 98-621. Amounts chargeable to and
21 available from Federal sources for inpatient and outpatient
22 services provided through Saint Elizabeths Hospital as au-
23 thorized by 24 U.S.C. 191, 196, 211, 212, 222, 253, and
24 324; 31 U.S.C. 1535; and 42 U.S.C. 249 and 251 shall not
25 exceed the estimated total cost of such services as computed

1 using only the proportionate amount of the direct Federal
2 subsidy appropriated under this heading.

3 **OFFICE OF ASSISTANT SECRETARY FOR HEALTH**

4 **RETIREMENT PAY AND MEDICAL BENEFITS FOR**
5 **COMMISSIONED OFFICERS**

6 For retirement pay and medical benefits of Public
7 Health Service Commissioned Officers as authorized by law,
8 and for payments under the Retired Serviceman's Family
9 Protection Plan and Survivor Benefit Plan and for medical
10 care of dependents and retired personnel under the Depend-
11 ents' Medical Care Act (10 U.S.C. ch. 55), such amounts as
12 may be required during the current fiscal year.

13 **HEALTH CARE FINANCING ADMINISTRATION**

14 **GRANTS TO STATES FOR MEDICAID**

15 For carrying out, except as otherwise provided, titles
16 XI and XIX of the Social Security Act, \$22,946,000,000, to
17 remain available until expended.

18 For making, after May 31, 1988, payments to States
19 under title XIX of the Social Security Act for the last quar-
20 ter of fiscal year 1988 for unanticipated costs, incurred for
21 the current fiscal year, such sums as may be necessary.

22 Payment under title XIX may be made for any quarter
23 beginning after June 30, 1987, and before October 1, 1988,
24 with respect to any State plan or plan amendment in effect

1 during any such quarter, if submitted in, or prior to such
2 quarter and approved in that or any such subsequent quarter.

3 For making payments to States under title XIX of the
4 Social Security Act for the first quarter of fiscal year 1989,
5 \$8,000,000,000, to remain available until expended.

6 PAYMENTS TO HEALTH CARE TRUST FUNDS

7 For payment to the Federal Hospital Insurance and the
8 Federal Supplementary Medical Insurance Trust Funds, as
9 provided under sections 217(g) and 1844 of the Social Secu-
10 rity Act, sections 103(c) and 111(d) of the Social Security
11 Amendments of 1965, and section 278(d) of Public Law
12 97-248, \$25,893,000,000.

13 PROGRAM MANAGEMENT

14 For carrying out, except as otherwise provided, titles
15 XI, XVIII, and XIX of the Social Security Act,
16 \$102,580,000, together with not to exceed \$1,421,578,000
17 to be transferred to this appropriation as authorized by sec-
18 tion 201(g) of the Social Security Act, from the Federal Hos-
19 pital Insurance and the Federal Supplementary Medical In-
20 surance Trust Funds referred to therein: *Provided*, That
21 \$80,000,000 of said trust funds shall be expended only to the
22 extent necessary to process workloads not anticipated in the
23 budget estimates, including the cost of administration of cata-
24 strophic health insurance if enacted into law, and to meet
25 unanticipated costs of agencies or organizations with which
26 agreements have been made to participate in the administra-

tion of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That all funds derived in accordance with 31 U.S.C 9701, are to be credited to this appropriation: *Provided further*, That of the amount transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, \$2,000,000 shall be made available for patient outcome assessment research, as authorized by section 9316 of Public Law 99-509.

10 SOCIAL SECURITY ADMINISTRATION

11 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

12 For payment to the Federal Old-Age and Survivors In-
13 surance and the Federal Disability Insurance Trust Funds, as
14 provided under sections 201(m), 217(g), 228(g), and
15 1131(b)(2) of the Social Security Act and section 152 of
16 Public Law 98-21, \$105,298,000.

17 SPECIAL BENEFITS FOR DISABLED COAL MINERS

18 For carrying out title IV of the Federal Mine Safety and
19 Health Act of 1977, including the payment of travel ex-
20 penses on an actual cost or commuted basis, to an individual,
21 for travel incident to medical examinations, and when travel
22 of more than 75 miles is required, to parties, their represent-
23 atives, and all reasonably necessary witnesses for travel
24 within the United States, Puerto Rico, and the Virgin Is-
25 lands, to reconsideration interviews and to proceedings before
26 administrative law judges, \$651,452,000, to remain available

1 until expended: *Provided*, That monthly benefit payments
2 shall be paid consistent with section 215(g) of the Social
3 Security Act.

4 For making, after July 31, of the current fiscal year
5 benefit payments to individuals under title IV of the Federal
6 Mine Safety and Health Act of 1977, for costs incurred in the
7 current fiscal year, such amounts as may be necessary.

8 For making benefit payments under title IV of the Fed-
9 eral Mine Safety and Health Act of 1977 for the first quarter
10 of fiscal year 1989, \$250,000,000, to remain available until
11 expended.

12 SUPPLEMENTAL SECURITY INCOME PROGRAM

13 For carrying out the Supplemental Security Income
14 Program, section 401 of Public Law 92-603, section 212 of
15 Public Law 93-66, as amended, and section 405 of Public
16 Law 95-216, including payment to the social security trust
17 funds for administrative expenses incurred pursuant to sec-
18 tion 201(g)(1) of the Social Security Act, \$9,535,384,000, to
19 remain available until expended: *Provided*, That any portion
20 of the funds provided to a State in the current fiscal year and
21 not obligated by the State during that year shall be returned
22 to the Treasury.

23 For making, after July 31 of the current fiscal year,
24 benefit payments to individuals under title XVI of the Social
25 Security Act, for unanticipated costs incurred for the current
26 fiscal year, such sums as may be necessary.

1 For carrying out the Supplemental Security Income
2 Program for the first quarter of fiscal year 1989,
3 \$3,000,000,000, to remain available until expended.

4 **LIMITATION ON ADMINISTRATIVE EXPENSES**

5 For necessary expenses, not more than \$3,680,921,000,
6 may be expended, as authorized by section 201(g)(1) of the
7 Social Security Act, from any one or all of the trust funds
8 referred to therein: *Provided*, That travel expense payments
9 under section 1631(h) of such Act for travel to hearings may
10 be made only when travel of more than seventy-five miles is
11 required: *Provided further*, That \$50,000,000 of the forego-
12 ing amount shall be apportioned for use only to the extent
13 necessary to process workloads not anticipated in the budget
14 estimates, for automation projects and their impact on the
15 work force, and to meet mandatory increases in costs of
16 agencies or organizations with which agreements have been
17 made to participate in the administration of titles XVI and
18 XVIII and section 221 of the Social Security Act, and after
19 maximum absorption of such costs within the remainder of
20 the existing limitation has been achieved: *Provided further*,
21 That \$65,400,000 for automatic data processing and tele-
22 communications activities shall remain available until ex-
23 pended: *Provided further*, That none of the funds appropri-
24 ated by this Act may be used for the manufacture, printing,
25 or procuring of social security cards, as provided in section
26 205(c)(2)(D) of the Social Security Act, where paper and

1 other materials used in the manufacture of such cards are
2 produced, manufactured, or assembled outside of the United
3 States.

4 **FAMILY SUPPORT ADMINISTRATION**

5 **FAMILY SUPPORT PAYMENTS TO STATES**

6 For making payments to States or other non-Federal
7 entities, except as otherwise provided, under titles I, IV-A
8 and -D, X, XI, XIV, and XVI of the Social Security Act
9 and the Act of July 5, 1960 (24 U.S.C., ch. 9),
10 \$8,644,385,000, to remain available until expended.

11 For making, after May 31 of the current fiscal year,
12 payments to States or other non-Federal entities under titles
13 I, IV-A and -D, X, XIV, and XVI of the Social Security
14 Act, for the last three months of the current year for unan-
15 ticipated costs, incurred for the current fiscal year, such sums
16 as may be necessary.

17 For making payments to States or other non-Federal
18 entities under titles I, IV-A and -D, X, XI, XIV, and
19 XVI of the Social Security Act, and the Act of July 5,
20 1960 (24 U.S.C., ch. 9) for the first quarter of fiscal year
21 1989, \$2,500,000,000, to remain available until expended.

22 **LOW INCOME HOME ENERGY ASSISTANCE**

23 For making payments under title XXVI of the Omnibus
24 Budget Reconciliation Act of 1981, \$1,822,265,000.

1 REFUGEE AND ENTRANT ASSISTANCE

2 For making payments for refugee and entrant assistance
3 activities authorized by title IV of the Immigration and Na-
4 tionality Act and section 501 of the Refugee Education As-
5 sistance Act of 1980 (Public Law 96-422), \$320,885,000.

6 COMMUNITY SERVICES BLOCK GRANT

7 For making payments under the Community Services
8 Block Grant Act, section 408 of Public Law 99-425 and the
9 Stewart B. McKinney Homeless Assistance Act,
10 \$408,200,000, of which \$18,700,000 shall be for carrying
11 out section 681(a)(2)(A), \$4,000,000 shall be for carrying out
12 section 681(a)(2)(D), \$3,000,000 shall be for carrying out
13 section 681(a)(2)(E), \$7,000,000 shall be for carrying out
14 section 681(a)(2)(F), \$3,000,000 shall be for carrying out
15 section 408 of Public Law 99-425 and \$2,500,000 shall be
16 for carrying out section 681A with respect to the community
17 food and nutrition program.

18 PROGRAM ADMINISTRATION

19 For necessary administrative expenses to carry out titles
20 I, IV, X, XI, XIV, and XVI of the Social Security Act, the
21 Act of July 5, 1960 (24 U.S.C., ch. 9), title XXVI of the
22 Omnibus Budget Reconciliation Act of 1981, the Community
23 Services Block Grant Act, the Stewart B. McKinney Home-
24 less Assistance Act, title IV of the Immigration and Nation-
25 ality Act and section 501 of the Refugee Education Assist-
26 ance Act of 1980, \$74,913,000.

1 ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

2 SERVICES

3 SOCIAL SERVICES BLOCK GRANT

4 For carrying out the Social Services Block Grant Act,
5 \$2,700,000,000.

6 HUMAN DEVELOPMENT SERVICES

7 For carrying out, except as otherwise provided, the
8 Runaway and Homeless Youth Act, title II of the Children's
9 Justice and Assistance Act of 1986, chapter 8-D of title VI
10 of the Omnibus Budget Reconciliation Act of 1981 (pertain-
11 ing to grants to States for planning and development of de-
12 pendent care programs), the Head Start Act, the Child De-
13 velopment Associate Scholarship Assistance Act of 1985,
14 and part B of title IV of the Social Security Act,
15 \$1,641,456,000.

16 FAMILY SOCIAL SERVICES

17 For carrying out part E of title IV of the Social
18 Security Act, \$811,178,000.

19 DEPARTMENTAL MANAGEMENT

20 GENERAL DEPARTMENTAL MANAGEMENT

21 For necessary expenses, not otherwise provided, for
22 general departmental management, including hire of six
23 medium sedans, \$66,359,000, together with not to exceed
24 \$7,000,000 to be transferred and expended as authorized by
25 section 201(g)(1) of the Social Security Act from any one or
26 all of the trust funds referred to therein.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses necessary for the Office of the Inspector
3 General, \$37,361,000, together with not to exceed
4 \$40,000,000 to be transferred and expended as authorized by
5 section 201(g)(1) of the Social Security Act from any one or
6 all of the trust funds referred to therein.

7 OFFICE FOR CIVIL RIGHTS

8 For expenses necessary for the Office for Civil Rights,
9 \$17,070,000, together with not to exceed \$4,000,000 to be
10 transferred and expended as authorized by section 201(g)(1)
11 of the Social Security Act from any one or all of the trust
12 funds referred to therein.

13 POLICY RESEARCH

14 For carrying out, to the extent not otherwise provided,
15 research studies under section 1110 of the Social Security
16 Act, \$5,090,000.

17 GENERAL PROVISIONS

18 SEC. 201. None of the funds appropriated by this title
19 for grants-in-aid of State agencies to cover, in whole or in
20 part, the cost of operation of said agencies, including the sal-
21 aries and expenses of officers and employees of said agencies,
22 shall be withheld from the said agencies of any State which
23 have established by legislative enactment and have in oper-
24 ation a merit system and classification and compensation plan
25 covering the selection, tenure in office, and compensation of
26 their employees, because of any disapproval of their person-

1 nel or the manner of their selection by the agencies of the
2 said States, or the rates of pay of said officers or employees.

3 SEC. 202. None of the funds made available by this Act
4 for the National Institutes of Health may be used to provide
5 forward funding or multiyear funding of research project
6 grants except in those cases where the Director of the Na-
7 tional Institutes of Health has determined that such funding
8 is specifically required because of the scientific requirements
9 of a particular research project grant.

10 SEC. 203. Appropriations in this Act for the Health Re-
11 sources and Services Administration, the National Institutes
12 of Health, the Centers for Disease Control, the Alcohol,
13 Drug Abuse, and Mental Health Administration, the Office of
14 the Assistant Secretary for Health, the Health Care Financ-
15 ing Administration, and Departmental Management shall be
16 available for expenses for active commissioned officers in the
17 Public Health Service Reserve Corps and for not to exceed
18 two thousand four hundred commissioned officers in the Reg-
19 ular Corps; expenses incident to the dissemination of health
20 information in foreign countries through exhibits and other
21 appropriate means; advances of funds for compensation,
22 travel, and subsistence expenses (or per diem in lieu thereof)
23 for persons coming from abroad to participate in health or
24 scientific activities of the Department pursuant to law; ex-
25 penses of primary and secondary schooling of dependents in

1 foreign countries, of Public Health Service commissioned offi-
2 cers stationed in foreign countries, at costs for any given area
3 not in excess of those of the Department of Defense for the
4 same area, when it is determined by the Secretary that the
5 schools available in the locality are unable to provide ade-
6 quately for the education of such dependents, and for the
7 transportation of such dependents, between such schools and
8 their places of residence when the schools are not accessible
9 to such dependents by regular means of transportation; ex-
10 penses for medical care for civilian and commissioned em-
11 ployees of the Public Health Service and their dependents,
12 assigned abroad on a permanent basis in accordance with
13 such regulations as the Secretary may provide; rental or
14 lease of living quarters (for periods not exceeding five years),
15 and provision of heat, fuel, and light and maintenance, im-
16 provement, and repair of such quarters, and advance pay-
17 ments therefor, for civilian officers, and employees of the
18 Public Health Service who are United States citizens and
19 who have a permanent station in a foreign country; purchase,
20 erection, and maintenance of temporary or portable struc-
21 tures; and for the payment of compensation to consultants or
22 individual scientists appointed for limited periods of time pur-
23 suant to section 207(f) or section 207(g) of the Public Health
24 Service Act, at rates established by the Assistant Secretary
25 for Health, or the Secretary where such action is required by

1 statute, not to exceed the per diem rate equivalent to the rate
2 for GS-18; not to exceed \$9,500 for official reception and
3 representation expenses related to any health agency of the
4 Department when specifically approved by the Assistant
5 Secretary for Health.

6 SEC. 204. None of the funds contained in this Act shall
7 be used to perform abortions except where the life of the
8 mother would be endangered if the fetus were carried to
9 term.

10 SEC. 205. Funds advanced to the National Institutes of
11 Health Management Fund from appropriations in this Act
12 shall be available for the expenses of sharing medical care
13 facilities and resources pursuant to section 327A of the
14 Public Health Service Act.

15 SEC. 206. Funds appropriated in this title for the Social
16 Security Administration shall be available for not to exceed
17 \$10,000 for official reception and representation expenses
18 when specifically approved by the Commissioner of Social
19 Security.

20 SEC. 207. Funds appropriated in this title for the
21 Health Care Financing Administration shall be available for
22 not to exceed \$2,000 for official reception and representation
23 expenses when specifically approved by the Administrator of
24 the Health Care Financing Administration.

1 SEC. 208. No funds appropriated for the fiscal year
2 ending September 30, 1988, by this or any other Act, may be
3 used to pay basic pay, special pays, basic allowances for sub-
4 sistence and basic allowances for quarters of the commis-
5 sioned corps of the Public Health Service described in section
6 204 of title 42, United States Code, at a level that exceeds
7 110 percent of the Executive Level I annual rate of basic
8 pay: *Provided*, That amounts received from employees of the
9 Department in payment for room and board may be credited
10 to the appropriation accounts "Health Resources and Serv-
11 ices", National Institutes of Health "Office of the Director",
12 "Disease Control Research and Training", and "Federal
13 Subsidy for Saint Elizabeths Hospital".

14 SEC. 209. None of the funds appropriated in this title
15 shall be used to transfer the general administration of pro-
16 grams authorized under the Native American Programs Act
17 from the Department of Health and Human Services to the
18 Department of the Interior.

19 SEC. 210. Funds provided in this Act may be used for
20 one-year contracts which are to be performed in two fiscal
21 years, so long as the total amount for such contracts is obli-
22 gated in the year for which the funds are appropriated.

23 SEC. 211. The Secretary shall make available through
24 assignment not more than 50 employees of the Public Health
25 Service, who shall be exempt from all FTE limitations in the

1 Department, to assist in child survival activities through and
2 with funds provided by the Agency for International Devel-
3 opment, the United Nations International Children's Emer-
4 gency Fund or the World Health Organization. In addition,
5 commissioned officers assigned under this section shall be
6 exempt from all limitations on the number and grade of offi-
7 cers in the Public Health Service Commissioned Corps.

8 SEC. 212. Funds appropriated by this Act may be used
9 to pay physicians' comparability allowances, as authorized
10 under 5 U.S.C. 5948, only to those persons who are licensed
11 to practice medicine, except that this provision shall not
12 apply to individuals receiving such allowances prior to Janu-
13 ary 1, 1988.

14 SEC. 213. For the purpose of insuring proper manage-
15 ment of federally supported computer systems and data
16 bases, funds appropriated by this Act are available for the
17 purchase of dedicated telephone service between the private
18 residences of employees assigned to computer centers funded
19 under this Act, and the computer centers to which such em-
20 ployees are assigned.

21 This title may be cited as the "Department of Health
22 and Human Services Appropriations Act, 1988".

TITLE III—DEPARTMENT OF EDUCATION

2 COMPENSATORY EDUCATION FOR THE DISADVANTAGED

3 For carrying out chapter 1 of the Education Consolida-
4 tion and Improvement Act of 1981, as amended,
5 \$4,595,000,000, of which \$10,000,000 shall be used for pur-
6 poses of section 555(d) of said Act to provide technical assist-
7 ance and evaluate programs, and the remaining
8 \$4,585,000,000 shall become available on July 1, 1988, and
9 remain available until September 30, 1989: *Provided*, That
10 of these remaining funds, no funds shall be used for purposes
11 of section 554(a)(1)(B), \$278,000,000 shall be available for
12 purposes of section 554(a)(2)(A), \$158,000,000 shall be
13 available for purposes of section 554(a)(2)(B), \$34,000,000
14 shall be available for purposes of section 554(a)(2)(C) and
15 \$40,000,000 shall be available for purposes of section
16 554(b)(1)(D).

17 For carrying out section 418A of the Higher Education
18 Act, \$8,000,000.

IMPACT AID

20 For carrying out title I of the Act of September 30,
21 1950, as amended (20 U.S.C. ch. 13), \$735,000,000, of
22 which \$22,000,000 shall be for entitlements under section 2
23 of said Act and \$713,000,000 shall be for entitlements under
24 section 3 of said Act of which \$568,000,000 shall be for
25 entitlements under section 3(a) of said Act: *Provided*, That
26 payment with respect to entitlements under section 3(b) of

1 said Act to any local educational agency in which 20 per
2 centum or more of the total average daily attendance is made
3 up of children determined eligible under section 3(b) shall be
4 at 60 per centum of entitlement and payment with respect to
5 entitlements under section 3(b) of said Act to any local edu-
6 cational agency in which less than 20 per centum of the total
7 average daily attendance is made up of children determined
8 eligible under section 3(b) shall be ratably reduced from 100
9 per centum of entitlement: *Provided further*, That payment
10 with respect to entitlements under section 3(a) to any local
11 educational agency described in section 3(d)(1)(A) of said Act
12 shall be at 100 per centum of entitlement, except that pay-
13 ments on behalf of children who reside on property which is
14 described in section 403(1)(C) shall be at 15 per centum of
15 entitlement, so long as the fiscal year 1988 per pupil pay-
16 ment does not exceed 105 per centum of the fiscal year 1987
17 per pupil payment: *Provided further*, That payment with re-
18 spect to entitlements under section 3(a) to any local educa-
19 tional agency whose children determined eligible under sec-
20 tion 3(a) amount to at least 15 per centum but less than 20
21 per centum of such agency's total average daily attendance
22 shall be at 75 per centum of entitlement, except that pay-
23 ments on behalf of children who reside on property which is
24 described in section 403(1)(C) shall be at 11.25 per centum of
25 entitlement and the fiscal year 1988 local contribution rate

1 for such agency shall not exceed 105 per centum of such
2 agency's fiscal year 1987 local contribution rate: *Provided*
3 *further*, That payment with respect to entitlements under
4 section 3(a) to any local educational agency whose children
5 determined eligible under section 3(a) amount to less than 15
6 per centum of such agency's total average daily attendance
7 shall be ratably reduced from 100 per centum of entitlement,
8 except that payments on behalf of children who reside on
9 property which is described in section 403(1)(C) of said Act
10 shall be ratably reduced from 15 per centum of entitlement:
11 *Provided further*, That the provisions of section 5(c) of said
12 Act shall not apply to funds provided herein: *Provided fur-*
13 *ther*, That none of the funds appropriated in this Act shall be
14 used for the recovery of payments made to any local educa-
15 tional agency under section 2 and section 3 of the Act of
16 September 30, 1950 (Public Law 874, Eighty-first Con-
17 gress), for fiscal years prior to 1987, but in the case of sec-
18 tion 3 only on behalf of children who reside on or whose
19 parents are employed on property that is housing assisted
20 under section 8 of the United States Housing Act of 1937, as
21 amended.

22 For carrying out the Act of September 23, 1950, as
23 amended (20 U.S.C. ch. 19), \$22,500,000 which shall
24 remain available until expended, shall be for providing school
25 facilities as authorized by said Act, of which \$9,000,000 shall

- 1 be for awards under section 10 of said Act, \$9,000,000 shall
- 2 be for awards under sections 14(a) and 14(b) of said Act, and
- 3 \$4,500,000 shall be for awards under sections 5, 9 and 14(c)
- 4 of said Act.

SPECIAL PROGRAMS

6 For carrying out the consolidated programs and projects
7 authorized under chapter 2 of the Education Consolidation
8 and Improvement Act of 1981, as amended, \$529,337,000,
9 of which \$29,337,000 shall be for programs and projects au-
10 thorized under subchapter D of said Act, including
11 \$10,700,000 for programs and projects authorized under sub-
12 section 583(a)(1) of said Act; \$4,500,000 shall be used for
13 awards, which, except for educational television program-
14 ming, are not to exceed a cumulative amount of \$1,000,000
15 to any recipient for national impact demonstration or re-
16 search projects; \$7,800,000 for activities authorized under
17 subsection 583(b)(1) of said Act; \$3,337,000 for programs
18 authorized under subsection 583(b)(2) of said Act; and
19 \$3,000,000 for activities authorized under subsection
20 583(b)(4) of said Act including support for the center for law
21 related education providing a statewide K-12 program: *Pro-*
22 *vided*, That \$500,000,000 to carry out the State block grant
23 program authorized under chapter 2 of said Act shall become
24 available for obligation on July 1, 1988, and shall remain
25 available until September 30, 1989.

1 For grants to State educational agencies and desegrega-
2 tion assistance centers authorized under section 403 of the
3 Civil Rights Act of 1964, \$25,000,000.

4 For carrying out activities authorized under title IX,
5 part C of the Elementary and Secondary Education Act,
6 \$3,500,000.

7 For carrying out activities authorized under section
8 1524 of the Education Amendments of 1978, \$5,000,000.

9 For carrying out activities authorized under section
10 1525 of the Education Amendments of 1978, \$2,000,000.

11 For carrying out activities authorized under Public Law
12 92-506, as amended, \$2,000,000: *Provided*, That said sum
13 shall become available on July 1, 1988, and shall remain
14 available until September 30, 1989.

15 For carrying out activities authorized under the Drug-
16 Free Schools and Communities Act of 1986, \$200,000,000,
17 of which \$161,000,000 for grants to States and outlying
18 areas shall be available beginning July 1, 1988, and shall
19 remain available until September 30, 1989.

20 For carrying out the provisions of title VII of the Edu-
21 cation for Economic Security Act, relating to magnet schools
22 assistance, \$75,000,000: *Provided*, That not more than
23 \$4,000,000 in the fiscal year may be paid to any single eligi-
24 ble local educational agency.

1 For carrying out the provisions of title II of the Educa-
2 tion for Economic Security Act, \$55,000,000 of which
3 \$50,000,000 for State grants under section 204 shall become
4 available on July 1, 1988, and shall remain available until
5 September 30, 1989.

6 For carrying out the provisions of subpart 2 of Part C of
7 title V of the Higher Education Act, \$7,177,000, to become
8 available July 1, 1988, and to remain available until Septem-
9 ber 30, 1989.

10 For carrying out the provisions of subpart 2 of part D of
11 title V of the Higher Education Act, \$2,000,000.

12 For carrying out the provisions of subtitle B of title VII
13 of the Stewart B. McKinney Homeless Assistance Act,
14 \$7,500,000 to become available July 1, 1988, and remain
15 available through September 30, 1989.

16 For carrying out activities authorized under the Follow
17 Through Act, \$7,800,000.

BILINGUAL EDUCATION

19 For carrying out, to the extent not otherwise provided,
20 title VII of the Elementary and Secondary Education Act,
21 Refugee and entrant assistance activities authorized by title
22 IV of the Immigration and Nationality Act, part B of title III
23 of the Refugee Act of 1980, and section 501 of the Refugee
24 Education Assistance Act of 1980, and title VI of the Educa-
25 tion Amendments of 1984, \$198,981,000, of which

1 \$105,701,250 shall be for part A, \$10,370,000 shall be for
2 part B, and \$37,023,750 shall be for part C of title VII of
3 the Elementary and Secondary Education Act and
4 \$30,000,000 shall be for the Emergency Immigrant Educa-
5 tion Program authorized by title VI of the Education Amend-
6 ments of 1984.

7 **EDUCATION FOR THE HANDICAPPED**

8 For carrying out the Education of the Handicapped Act,
9 \$1,913,800,000, of which \$1,490,000,000 for section 611
10 and \$189,000,000 for section 619 shall become available for
11 obligation on July 1, 1988, and shall remain available until
12 September 30, 1989: *Provided*, That \$150,000 shall be
13 available to operate a model program for deaf, hearing im-
14 paired, and handicapped students under section 625 of said
15 Act.

16 **REHABILITATION SERVICES AND HANDICAPPED RESEARCH**

17 For carrying out, to the extent not otherwise provided,
18 the Rehabilitation Act of 1973 and the Helen Keller National
19 Center Act, as amended \$1,561,940,000, of which
20 \$1,350,000,000 shall be for allotments under sections
21 100(b)(1) and 110(b)(3) of the Rehabilitation Act, and
22 \$4,800,000 shall be for the Helen Keller National Center.

23 **VOCATIONAL AND ADULT EDUCATION**

24 For carrying out, to the extent not otherwise provided,
25 the Carl D. Perkins Vocational Education Act, and the Adult
26 Education Act and the Stewart B. McKinney Homeless As-

1 sistance Act, \$1,029,600,000 which shall become available
2 for obligation on July 1, 1988, and shall remain available
3 until September 30, 1989: *Provided*, That \$13,000,000 shall
4 be available for title IV of the Carl D. Perkins Vocational
5 Education Act including \$6,000,000 for section 404 and
6 \$450,000 for section 415 of said title: *Provided further*, That
7 \$7,900,000 shall be available for State councils under section
8 112 of the Carl D. Perkins Vocational Education Act: *Pro-*
9 *vided further*, That \$6,300,000 shall be made available to
10 carry out title III-A and \$33,500,000 shall be made avail-
11 able for title III-B of said Vocational Education Act: *Provid-*
12 *ed further*, That \$3,900,000 shall be available for part E of
13 title IV of the Carl D. Perkins Vocational Education Act.

14 **STUDENT FINANCIAL ASSISTANCE**

15 For carrying out subparts 1, 2, and 3 of part A and
16 parts C and E of title IV of the Higher Education Act, as
17 amended, \$5,806,000,000, which shall remain available until
18 September 30, 1989: *Provided*, That the maximum Pell
19 grant that a student may receive in the 1988-89 award year
20 shall be \$2,300.

21 **GUARANTEED STUDENT LOANS**

22 For necessary expenses under title IV, part B of the
23 Higher Education Act, \$2,425,000,000, to remain available
24 until expended.

1 HIGHER EDUCATION

2 For carrying out title III of the Higher Education Act
3 of 1965, as amended, \$180,000,000, of which up to
4 \$20,000,000 for part C of title III of said Act shall remain
5 available until expended: *Provided*, That \$84,533,000 of
6 funds appropriated for title III of said Act shall be available
7 only to historically black colleges and universities.

8 For carrying out subparts 4 and 6 of part A of title IV;
9 part B and subpart 1 of part D of title V; titles VI and VIII,
10 parts A, B, C, D, E, and F of title IX; parts B and D of title
11 VII; subpart 1 of part B and parts A and C of title X; and
12 sections 420A and 1204(c) of the Higher Education Act of
13 1965, as amended; title XIII, part H, subpart 1 of the Edu-
14 cation Amendments of 1980, as amended; and section
15 102(b)(6) of the Mutual Educational and Cultural Exchange
16 Act of 1961; \$391,900,000, of which \$29,500,000 for parts
17 B and D of title VII and \$8,000,000 for subpart 6 of part A
18 of title IV of said Act shall remain available until expended:
19 *Provided*, That \$8,000,000 provided herein for carrying out
20 subpart 6 of part A of title IV shall be available notwithstanding
21 sections 419G(b) and 419I(a) of the Higher Educa-
22 tion Act of 1965 (20 U.S.C. 1070d-37(b) and 1070d-39(a)).

23 For carrying out sections 772, 773, and 775 of part G
24 of title VII of the Higher Education Act, and Public Law
25 99-608, \$12,550,000 to remain available until expended.

1 HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

2 The Secretary is hereby authorized to make such ex-
3 penditures, within the limits of funds available under this
4 heading and in accord with law, and to make such contracts
5 and commitments without regard to fiscal year limitation, as
6 provided by section 104 of the Government Corporation Con-
7 trol Act (31 U.S.C. 9104), as may be necessary in carrying
8 out the program set forth in the budget for the current fiscal
9 year. For the fiscal year 1988, no new commitments for
10 loans may be made from the fund established pursuant to title
11 VII, section 733 of the Higher Education Act, as amended
12 (20 U.S.C. 1132d-2).

13 COLLEGE CONSTRUCTION LOAN INSURANCE

14 For carrying out part E of title VII of the Higher Edu-
15 cation Act of 1965, as amended, \$20,000,000 to be available
16 until expended.

17 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

18 Pursuant to title VII, part F of the Higher Education
19 Act, as amended, for necessary expenses of the college hous-
20 ing and academic facilities loans program, the Secretary shall
21 make expenditures, contracts, and commitments without
22 regard to fiscal year limitation using loan repayments and
23 other resources available to this account: *Provided*, That
24 during fiscal year 1988, gross commitments for the principal
25 amount of direct loans shall be \$90,000,000. Any unobligat-
26 ed balances remaining from fixed fees previously paid into

1 this account pursuant to 12 U.S.C. 1749d, relating to pay-
2 ment of costs for inspections and site visits, shall be available
3 for the operating expenses of this account.

4 Whenever the Secretary, pursuant to sections 762(c) or
5 783 of the Act, sells, exchanges, or otherwise transfers on a
6 discounted basis obligations or securities held by the Secre-
7 tary under title VII, part F of the Act, the outstanding bal-
8 ance remaining on the notes of the Secretary issued to the
9 Secretary of the Treasury under section 761(d) of the Act
10 shall be reduced by the amount of the discount. For such
11 transactions occurring prior to the fiscal year 1988, such re-
12 duction is effective on September 30, 1987. For such trans-
13 actions occurring in fiscal year 1988 or thereafter, such re-
14 duction is to be effective on the last day of the fiscal year in
15 which the discounted transaction occurs.

16 EDUCATION RESEARCH AND STATISTICS

17 For necessary expenses to carry out sections 405 and
18 406 of the General Education Provisions Act, as amended,
19 \$73,801,000, of which \$14,486,000 shall be used for the
20 Center for Education Statistics, as authorized under section
21 406 of the General Education Provisions Act, and
22 \$7,900,000 shall be for the National Assessment of Educa-
23 tional Progress, as authorized under section 405(e)(1) of the
24 General Education Provisions Act: *Provided*, That
25 \$4,000,000 of the sums appropriated shall be used to con-

1 tinue a rural education program by the nine regional
2 laboratories.

3 LIBRARIES

4 For carrying out, to the extent not otherwise provided,
5 titles I, II, III, IV, and VI of the Library Services and Con-
6 struction Act (20 U.S.C., ch. 16), and title II, parts B, C,
7 and D of the Higher Education Act, notwithstanding the pro-
8 visions of section 221, \$144,500,000: *Provided*, That
9 \$22,500,000 of the sums appropriated shall be used to carry
10 out the provisions of title II of the Library Services and Con-
11 struction Act and shall remain available until expended.

12 SPECIAL INSTITUTIONS

13 AMERICAN PRINTING HOUSE FOR THE BLIND

14 For carrying out the Act of March 3, 1879, as amended
15 (20 U.S.C. 101–106), including provision of materials to
16 adults undergoing rehabilitation on the same basis as
17 provided in 1985, \$5,510,000.

18 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

19 For carrying out the National Technical Institute for
20 the Deaf Act (20 U.S.C. 4301 et seq.), \$33,000,000.

21 GALLAUDET UNIVERSITY

22 For carrying out the Model Secondary School for the
23 Deaf Act (80 Stat. 1027) and for the partial support of Gal-
24 laudet University (20 U.S.C. 4301), as amended, including
25 continuing education activities, existing extension centers and
26 the National Center for Law and the Deaf, \$65,925,000.

1

HOWARD UNIVERSITY

2

For partial support of Howard University (20 U.S.C. 121 et seq.), \$179,865,000.

4

DEPARTMENTAL MANAGEMENT

5

SALARIES AND EXPENSES

6

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$251,753,000.

10

OFFICE FOR CIVIL RIGHTS

11

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$42,333,000.

14

OFFICE OF THE INSPECTOR GENERAL

15

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$18,341,000.

18

GENERAL PROVISIONS

19

SEC. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of

1 their employees, because of any disapproval of their person-
2 nel or the manner of their selection by the agencies of the
3 said States, or the rates of pay of said officers or employees.

4 **SEC. 302.** Funds appropriated in this Act to the Ameri-
5 can Printing House for the Blind, Howard University, the
6 National Technical Institute for the Deaf, and Gallaudet
7 University shall be subject to audit by the Secretary of
8 Education.

9 **SEC. 303.** No part of the funds contained in this title
10 may be used to force any school or school district which is
11 desegregated as that term is defined in title IV of the Civil
12 Rights Act of 1964, Public Law 88-352, to take any action
13 to force the busing of students; to force on account of race,
14 creed or color the abolishment of any school so desegregated;
15 or to force the transfer or assignment of any student attend-
16 ing any elementary or secondary school so desegregated to or
17 from a particular school over the protest of his or her parents
18 or parent.

19 **SEC. 304.** (a) No part of the funds contained in this title
20 shall be used to force any school or school district which is
21 desegregated as that term is defined in title IV of the Civil
22 Rights Act of 1964, Public Law 88-352, to take any action
23 to force the busing of students; to require the abolishment of
24 any school so desegregated; or to force on account of race,
25 creed or color the transfer of students to or from a particular

1 school so desegregated as a condition precedent to obtaining
2 Federal funds otherwise available to any State, school district
3 or school.

4 (b) No funds appropriated in this Act may be used for
5 the transportation of students or teachers (or for the purchase
6 of equipment for such transportation) in order to overcome
7 racial imbalance in any school or school system, or for the
8 transportation of students or teachers (or for the purchase of
9 equipment for such transportation) in order to carry out a
10 plan of racial desegregation of any school or school system.

11 SEC. 305. None of the funds contained in this Act shall
12 be used to require, directly or indirectly, the transportation of
13 any student to a school other than the school which is nearest
14 the student's home, except for a student requiring special
15 education, to the school offering such special education, in
16 order to comply with title VI of the Civil Rights Act of 1964.

17 For the purpose of this section an indirect requirement of
18 transportation of students includes the transportation of stu-
19 dents to carry out a plan involving the reorganization of the
20 grade structure of schools, the pairing of schools, or the clus-
21 tering of schools, or any combination of grade restructuring,
22 pairing or clustering. The prohibition described in this section
23 does not include the establishment of magnet schools.

1 SEC. 306. No funds appropriated under this Act may be
2 used to prevent the implementation of programs of voluntary
3 prayer and meditation in the public schools.

4 This title may be cited as the "Department of Educa-
5 tion Appropriations Act, 1988".

6 **TITLE IV—RELATED AGENCIES**

7 **ACTION**

8 **OPERATING EXPENSES**

9 For expenses necessary for Action to carry out the pro-
10 visions of the Domestic Volunteer Service Act of 1973, as
11 amended, \$162,191,000.

12 **CORPORATION FOR PUBLIC BROADCASTING**

13 **PUBLIC BROADCASTING FUND**

14 For payment to the Corporation for Public Broadcast-
15 ing, as authorized by the Communications Act of 1934, an
16 amount which shall be available within limitations specified
17 by that Act, for the fiscal year 1990, \$238,000,000:
18 *Provided*, That no funds made available to the Corporation
19 for Public Broadcasting by this Act shall be used to pay for
20 receptions, parties, or similar forms of entertainment for gov-
21 ernment officials or employees: *Provided further*, That none
22 of the funds contained in this paragraph shall be available or
23 used to aid or support any program or activity from which
24 any person is excluded, or is denied benefits, or is discrimi-

1 nated against, on the basis of race, color, national origin,
2 religion, or sex.

3 FEDERAL MEDIATION AND CONCILIATION SERVICE

4 SALARIES AND EXPENSES

5 For expenses necessary for the Federal Mediation and
6 Conciliation Service to carry out the functions vested in it by
7 the Labor-Management Relations Act, 1947 (29 U.S.C.
8 171–180, 182), including expenses of the Labor-Management
9 Panel and boards of inquiry appointed by the President, hire
10 of passenger motor vehicles, and rental of conference rooms
11 in the District of Columbia; and for expenses necessary pur-
12 suant to Public Law 93–360 for mandatory mediation in
13 health care industry negotiation disputes and for convening
14 factfinding boards of inquiry appointed by the Director in the
15 health care industry; and for expenses necessary for the
16 Labor-Management Cooperation Act of 1978 (29 U.S.C.
17 125a); and for expenses necessary for the Service to carry
18 out the functions vested in it by the Civil Service Reform
19 Act, Public Law 95–454 (5 U.S.C. chapter 71),
20 \$25,601,000.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety and
5 Health Review Commission (30 U.S.C. 801 et seq.),
6 \$4,080,000.

7 NATIONAL COMMISSION ON LIBRARIES AND

8 INFORMATION SCIENCE

9 SALARIES AND EXPENSES

10 For necessary expenses for the National Commission on
11 Libraries and Information Science, established by the Act of
12 July 20, 1970 (Public Law 91-345), \$750,000.

13 NATIONAL COUNCIL ON THE HANDICAPPED

14 SALARIES AND EXPENSES

15 For expenses necessary for the National Council on the
16 Handicapped as authorized by section 405 of the Rehabilita-
17 tion Act of 1973, as amended, \$932,000.

18 NATIONAL LABOR RELATIONS BOARD

19 SALARIES AND EXPENSES

20 For expenses necessary for the National Labor Rela-
21 tions Board to carry out the functions vested in it by the
22 Labor-Management Relations Act, 1947, as amended (29
23 U.S.C. 141-167), and other laws, \$139,019,000: *Provided*,
24 That no part of this appropriation shall be available to orga-
25 nize or assist in organizing agricultural laborers or used in

1 connection with investigations, hearings, directives, or orders
2 concerning bargaining units composed of agricultural laborers
3 as referred to in section 2(3) of the Act of July 5, 1935 (29
4 U.S.C. 152), and as amended by the Labor-Management Re-
5 lations Act, 1947, as amended, and as defined in section 3(f)
6 of the Act of June 25, 1938 (29 U.S.C. 203), and including
7 in said definition employees engaged in the maintenance and
8 operation of ditches, canals, reservoirs, and waterways when
9 maintained or operated on a mutual, nonprofit basis and at
10 least 95 per centum of the water stored or supplied thereby is
11 used for farming purposes.

12 **NATIONAL MEDIATION BOARD**

13 **SALARIES AND EXPENSES**

14 For expenses necessary to carry out the provisions of
15 the Railway Labor Act, as amended (45 U.S.C. 151-188),
16 including emergency boards appointed by the President,
17 \$7,316,000.

18 **OCCUPATIONAL SAFETY AND HEALTH REVIEW**

19 **COMMISSION**

20 **SALARIES AND EXPENSES**

21 For the expenses necessary for the Occupational Safety
22 and Health Review Commission (29 U.S.C. 661),
23 \$6,147,000.

1 PHYSICIAN PAYMENT REVIEW COMMISSION

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out section 1845(a) of
4 the Social Security Act, \$3,130,000, to be transferred to this
5 appropriation from the Federal Supplementary Medical In-
6 surance Trust Fund.

7 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary to carry out section 601 of
10 Public Law 98-21, \$3,752,000, to be transferred to this ap-
11 propriation from the Federal Hospital Insurance and the
12 Federal Supplementary Medical Insurance Trust Funds.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Account,
16 authorized under section 15(d) of the Railroad Retirement
17 Act of 1974, \$368,000,000, all of which shall be credited to
18 the account in 12 approximately equal amounts on the first
19 day of each month in the fiscal year.

20 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

21 ACCOUNTS

22 For payment to the accounts established in the Treasury
23 for the payment of benefits under the Railroad Retirement
24 Act for unnegotiated checks, \$3,100,000, to remain available
25 through September 30, 1989, which shall be the maximum

1 amount available for payments pursuant to section 417 of
2 Public Law 98-76.

3 **LIMITATION ON ADMINISTRATION**

4 For necessary expenses for the Railroad Retirement
5 Board, \$60,434,000, to be derived from the railroad retire-
6 ment accounts: *Provided*, That such portion of the foregoing
7 amount as may be necessary shall be available for the pay-
8 ment of personnel compensation and benefits for not less than
9 1,254 full-time equivalent employees: *Provided further*, That
10 \$500,000 of the foregoing amount shall be available only to
11 the extent necessary to process workloads not anticipated in
12 the budget estimates and after maximum absorption of the
13 costs of such workloads within the remainder of the existing
14 limitation has been achieved: *Provided further*, That notwith-
15 standing any other provision of law, no portion of this limita-
16 tion shall be available for payments of standard level user
17 charges pursuant to section 210(j) of the Federal Property
18 and Administrative Services Act of 1949, as amended (40
19 U.S.C. 490(j); 45 U.S.C. 228a-r): *Provided further*, That not
20 to exceed \$2,500,000 of funds provided under this head in
21 Public Law 99-591 shall remain available until Septem-
22 ber 30, 1988, only for retirement claims processing automa-
23 tion activities.

1 LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE

2 ADMINISTRATION FUND

3 For further expenses necessary for the Railroad Retirement
4 Board, for administration of the Railroad Unemployment Insurance Act, not less than \$14,445,000 shall be ap-
5 portioned for fiscal year 1988 from moneys credited to the
6 railroad unemployment insurance administration fund: *Pro-*
7 *vided*, That such portion of the foregoing amount as may be
8 necessary shall be available for the payment of personnel
9 compensation and benefits for not less than 303 full-time
10 equivalent employees.

12 LIMITATION ON REVIEW ACTIVITY

13 For expenses necessary for the Railroad Retirement
14 Board for audit, investigatory and review activities, as au-
15 thorized by section 418 of Public Law 98-76, not more than
16 \$2,310,000 to be derived from the railroad retirement ac-
17 counts and railroad unemployment insurance account.

18 SOLDIERS' AND AIRMEN'S HOME

19 OPERATION AND MAINTENANCE

20 For maintenance and operation of the United States
21 Soldiers' and Airmen's Home, to be paid from the Soldiers'
22 and Airmen's Home permanent fund, \$36,647,000: *Provid-*
23 *ed*, That this appropriation shall not be available for the pay-
24 ment of hospitalization of members of the Home in United
25 States Army hospitals at rates in excess of those prescribed
26 by the Secretary of the Army upon recommendation of the

1 Board of Commissioners and the Surgeon General of the
2 Army.

3 **TITLE V—GENERAL PROVISIONS**

4 SEC. 501. The expenditure of any appropriation under
5 this Act for any consulting service through procurement con-
6 tract, pursuant to 5 U.S.C. 3109, shall be limited to those
7 contracts where such expenditures are a matter of public
8 record and available for public inspection, except where
9 otherwise provided under existing law, or under existing Ex-
10 ecutive order issued pursuant to existing law.

11 SEC. 502. No part of any appropriation contained in this
12 Act shall be expended by any executive agency, as referred
13 to in the Office of Federal Procurement Policy Act (41
14 U.S.C. 401 et seq.), pursuant to any obligation for services
15 by contract, unless such executive agency has awarded and
16 entered into such contract in full compliance with such Act
17 and regulations promulgated thereunder.

18 SEC. 503. Appropriations contained in this Act, avail-
19 able for salaries and expenses, shall be available for services
20 as authorized by 5 U.S.C. 3109 but at rates for individuals
21 not to exceed the per diem rate equivalent to the rate for
22 GS-18.

23 SEC. 504. Appropriations contained in this Act, avail-
24 able for salaries and expenses, shall be available for uniforms

1 or allowances therefor as authorized by law (5 U.S.C. 5901-
2 5902).

3 SEC. 505. Appropriations contained in this Act, avail-
4 able for salaries and expenses, shall be available for expenses
5 of attendance at meetings which are concerned with the func-
6 tions or activities for which the appropriation is made or
7 which will contribute to improved conduct, supervision, or
8 management of those functions or activities.

9 SEC. 506. No part of the funds appropriated under this
10 Act shall be used to provide a loan, guarantee of a loan, a
11 grant, the salary of or any remuneration whatever to any
12 individual applying for admission, attending, employed by,
13 teaching at, or doing research at an institution of higher edu-
14 cation who has engaged in conduct on or after August 1,
15 1969, which involves the use of (or the assistance to others in
16 the use of) force or the threat of force or the seizure of prop-
17 erty under the control of an institution of higher education, to
18 require or prevent the availability of certain curricula, or to
19 prevent the faculty, administrative officials, or students in
20 such institution from engaging in their duties or pursuing
21 their studies at such institution.

22 SEC. 507. The Secretaries of Labor, Health and Human
23 Services, and Education are authorized to transfer unexpend-
24 ed balances of prior appropriations to accounts corresponding
25 to current appropriations provided in this Act: *Provided*,

1 That such transferred balances are used for the same pur-
2 pose, and for the same periods of time, for which they were
3 originally appropriated.

4 SEC. 508. No part of any appropriation contained in this
5 Act shall remain available for obligation beyond the current
6 fiscal year unless expressly so provided herein.

7 SEC. 509. No part of any appropriation contained in this
8 Act shall be used, other than for normal and recognized exec-
9 utive-legislative relationships, for publicity or propaganda
10 purposes, for the preparation, distribution, or use of any kit,
11 pamphlet, booklet, publication, radio, television, or film pres-
12 entation designed to support or defeat legislation pending
13 before the Congress, except in presentation to the Congress
14 itself.

15 No part of any appropriation contained in this Act shall
16 be used to pay the salary or expenses of any grant or con-
17 tract recipient, or agent acting for such recipient, related to
18 any activity designed to influence legislation or appropria-
19 tions pending before the Congress.

20 SEC. 510. The Secretaries of Labor, Health and Human
21 Services, and Education are each authorized to make avail-
22 able not to exceed \$7,500 from funds available for salaries
23 and expenses under titles I, II, and III, respectively, for offi-
24 cial reception and representation expenses; the Director of
25 the Federal Mediation and Conciliation Service is authorized

1 to make available for official reception and representation ex-
2 penses not to exceed \$2,500 from the funds available for
3 "Salaries and expenses, Federal Mediation and Conciliation
4 Service"; and the Chairman of the National Mediation Board
5 is authorized to make available for official reception and rep-
6 resentation expenses not to exceed \$2,500 from funds avail-
7 able for "Salaries and expenses, National Mediation Board".

8 SEC. 511. None of the funds appropriated by this Act
9 shall be used to pay for any research program or project or
10 any program, project, or course which is of an experimental
11 nature, or any other activity involving human participants,
12 which is determined by the Secretary or a court of competent
13 jurisdiction to present a danger to the physical, mental, or
14 emotional well-being of a participant or subject of such pro-
15 gram, project, or course, without the written, informed con-
16 sent of each participant or subject, or a participant's parents
17 or legal guardian, if such participant or subject is under
18 eighteen years of age. The Secretary shall adopt appropriate
19 regulations respecting this section.

20 This Act may be cited as the "Departments of Labor,
21 Health and Human Services, and Education and Related
22 Agencies Appropriations Act, 1988".

Passed the House of Representatives August 5, 1987.

Attest: DONNALD K. ANDERSON,

Clerk.

CMS Library
C2-07-13
7500 Security Blvd.
Baltimore, Maryland 21244

CMS LIBRARY



3 8095 00009435 5